

## **EXHIBIT D**

Volume I  
Pages 1-90

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MASSACHUSETTS

C.A. 04-10643 MLW

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JUDITH THIBEAU  
and GEORGE THIBEAU,  
Plaintiff  
vs

UNITED STATES OF AMERICA  
and EAST BOSTON NEIGHBORHOOD  
HEALTH CENTER CORPORATION,  
Defendant

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DEPOSITION of JAMES O. TAYLOR, M.D.,  
taken on behalf of the Plaintiff, pursuant  
to the Federal Rules of Civil Procedure,  
before Norma J. Black, CSR #108593, and  
Notary Public in and for the Commonwealth  
of Massachusetts, at the Law Offices of  
Frederick & Associates, 1330 Beacon Street,  
Brookline, Massachusetts 02446-3202,  
commencing at 10:30 a.m., on Monday, March  
21, 2005.

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1 Q Where does he operate?

2 A Mass. Eye & Ear and I'm not sure that is  
3 his only site of operation for doing  
4 surgery. He did operate at Boston Medical  
5 Center as well. He actually has offices in  
6 the North Shore. So there may be other  
7 places. I don't know.

8 Q He has offices in Andover; is that right?

9 A Yes.

10 Q The eye clinic, is it referred to at the  
11 health center as the eye clinic?

12 A Probably more often as the vision center.  
13 I think it's the vision center. But it's  
14 the standard nomenclature. It does not  
15 appear on any documents.

16 Q Is the eye clinic or the vision center a  
17 separate legal entity as far as you know?

18 A No. It's a department.

19 Q A department of the East Boston  
20 Neighborhood Health Center?

21 A That's right, a department.

22 Q And the eye clinic, does the eye clinic  
23 have a separate budget or sub-budget within  
24 the budget for the East Boston Neighborhood

1 Health Center?

2 A Yes and no. I mean, basically there's a  
3 personnel budget for the eye clinic; but I  
4 think in terms of facilities budget, it's  
5 pretty much merged.

6 Q When you say personnel budget, does that  
7 mean within the East Boston Neighborhood  
8 Health Center there's a certain amount set  
9 aside for personnel who work at the eye  
10 clinic?

11 A Yes. There would be a roster with all of  
12 their salaries and so forth.

13 Q As far as the money that is earmarked for  
14 the people who work at the eye clinic, does  
15 that money come from any particular source  
16 or come from the overall budget of the East  
17 Boston Neighborhood Health Center?

18 A It comes from the overall budget of the  
19 East Boston Neighborhood Health Center.

20 Q The East Boston Neighborhood Health Center  
21 receives money to operate its budget from  
22 year to year from what sources?

23 A From many different sources. We are a  
24 federally qualified community health

1 on the day of the accident?

2 A No.

3 (Exhibit Number 4 marked for  
4 identification)

5 Q Doctor, I show you Exhibit Number 4.

6 A All right.

7 Q Have you seen that document before?

8 A Yes. I have, yes.

9 Q Is that the accident report that you were  
10 referring to a minute ago?

11 A Yes, I believe so.

12 Q Do you as Medical Director typically  
13 received copies of accident reports for  
14 accidents as they happen on the premises?

15 A Yes. If a patient is injured, usually a  
16 copy would come to me, a copy to facilities  
17 and a copy to our insurer, yes.

18 Q What do you do with these accident reports  
19 once you get them?

20 A Well, it's --

21 MR. URSO: I restate my  
22 objection insofar as anything that relates  
23 to this investigation. Note my Objection.

24 I am talking about the actual

1 preparation of that. I suppose the person  
2 most knowledgeable would be the CEO,  
3 because much of it is financial as well as  
4 regulatory but I'm not sure he could add  
5 anything than --

6 MR. ALBERTO: That's how you  
7 get your federal dollars?

8 A Yes.

9 MR. ALBERTO: How much money is  
10 that grant?

11 A It's about two-and-a-half million, I  
12 believe two-point-six, somewhere around  
13 that.

14 MR. ALBERTO: And that money  
15 goes to pay salaries?

16 A Yes.

17 Item Number 14, I believe you  
18 have everything.

19 Q Would Dennis be the person most  
20 knowledgeable about the existence of those  
21 documents?

22 A Probably.

23 MR. ALBERTO: What is Number  
24 14?

1           A       All notes, reports prepared as a result of  
2                   an investigation of any person who  
3                   investigated the plaintiff Judith Thibeu's  
4                   accident. He was actually physically there  
5                   so. . .

6                               Any and all written policies  
7                   regarding warnings given to patients --  
8                   that would be Dr. Pietrantonio.

9                               Item Number 16 would be Dennis  
10                  Buchieri, inspections, that sort of thing.

11                              Any and all reports filed or  
12                  completed on behalf of the defendant  
13                  regarding occurrence and submitted to  
14                  government agency. Are you asking for the  
15                  packet of what went to Elizabeth Gianturco?

16           Q       In part.

17           A       That is the packet of information  
18                   (indicating).

19           Q       Who prepared that packet?

20           A       I did.

21           Q       What was in that packet?

22           A       It's all specified.

23                              MR. ALBERTO: Let me just  
24                  interrupt. What are you asking?